



CHRIS DANIEL

HARRIS COUNTY DISTRICT CLERK

FD

CORRECTION LETTER - TRIAL COURT CASE NUMBER

August 18, 2017

NICOLE DEBORDE
ATTORNEY OF RECORD
712 MAIN STREET, SUITE 2400
HOUSTON, TX 77002

FILED IN
14th COURT OF APPEALS
HOUSTON, TEXAS
8/21/2017 12:14:12 PM
CHRISTOPHER A. PRINE
Clerk

Defendant's Name: NELSON GARCIA DIAZ

Cause No: 1555099

Court: 228TH DISTRICT COURT

Please note the following appeal updates on the above mentioned cause:

Notice of Appeal Filed Date: 8/14/17

Sentence Imposed Date: 8/14/17

Court of Appeals Assignment: Fourteenth Court of Appeals

Appeal Attorney of Record: NICOLE DEBORDE

Sincerely,

A handwritten signature in black ink that reads "S. Norris". The signature is written in a cursive, flowing style.

S. NORRIS
Criminal Post Trial Deputy

CC: Kim Ogg
District Attorney
Appellate Division
Harris County, Texas

LINDSAY ARREDONDO (DELIVERED VIA E-MAIL)

This is your notice to inform any and all substitute reporters in this cause.



CHRIS DANIEL

HARRIS COUNTY DISTRICT CLERK

August 17, 2017

NICOLE DEBORDE
ATTORNEY OF RECORD
712 MAIN STREET, SUITE 2400
HOUSTON, TX 77002

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Cause No: 7555099

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Cause No. 1555099

22/999
22/998
P. 2

THE STATE OF TEXAS

Nelson Garcia Diaz, A/K/A/ _____
V. _____

228th District Court / County Criminal Court at Law No. _____

Harris County, Texas

NOTICE OF APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

On August 14, 2017 (date), the defendant in the above numbered and styled cause gives NOTICE OF APPEAL of his conviction.

The undersigned attorney (check appropriate box):

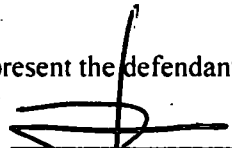
- ☒ MOVES to withdraw.
☐ ADVISES the court that he will CONTINUE to represent the defendant on appeal.

8/14/17

Date

Nelson Garcia Diaz

Defendant (Printed name)



Attorney (Signature)

Danilo Lacayo

Attorney (Printed name)

24091284

State Bar Number

1201 Franklin St, Suite 1300, Houston

Address TX 77002

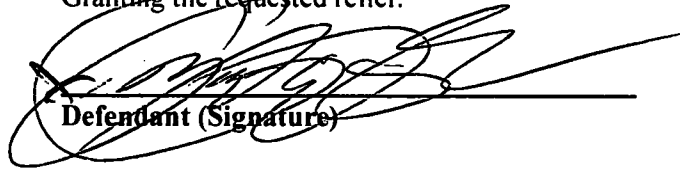
713-368-0016

Telephone Number

The defendant (check all that apply):

- ☒ REPRESENTS to the court that he is presently INDIGENT and ASKS the court to immediately APPOINT appellate counsel to represent him.
☒ ASKS the Court to ORDER that a free record be provided to him.
☐ ASKS the court to set BAIL.

Accordingly, Appellant ASKS the Court to conduct a hearing, make findings, and enter an Order Granting the requested relief.



Defendant (Signature)

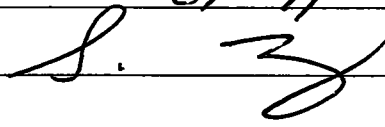
Nelson Garcia-Diaz

Defendant's Printed name

SWORN TO AND SUBSCRIBED BEFORE ME ON

8/14/2017

By Deputy District Clerk of Harris County, Texas



ORDER

On 8/14/17 the Court conducted a hearing and FINDS that defendant / appellant

☐ IS NOT indigent at this time.

☒ IS indigent for the purpose of

☐ employing counsel

☐ paying for a clerk's and court reporter's record.

☒ employing counsel & paying for a clerk's and court reporter's record.

The Court ORDERS that

☒ Counsel's motion to withdraw is GRANTED / DENIED.

☐ Defendant / appellant's motion (to be found indigent) is DENIED.

☐ Defendant's / appellant's motion is GRANTED and

☐ _____ (attorney's name & bar card number)
is APPOINTED to represent defendant / appellant on appeal.

☐ The COURT REPORTER is ORDERED to prepare and file the reporter's record without charge to defendant / appellant.

BAIL IS:

☒ SET at \$ 0

☐ TO CONTINUE as presently set.

☐ DENIED and is SET at NO BOND. (Felony Only)

DATE SIGNED: 8/14/2017

Belinda Hill

JUDGE PRESIDING,

____ DISTRICT COURT /

COUNTY CRIMINAL COURT AT LAW NO. _____,

HARRIS COUNTY, TEXAS

Cause No. 1555099

THE STATE OF TEXAS

IN THE 228th DISTRICT COURT

v.

Nelson Garcia Diaz, Defendant

HARRIS COUNTY, TEXAS

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I, judge of the trial court, certify this criminal case:

- ☒ is not a plea-bargain case, and the defendant has the right of appeal. [or]
- ☐ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial, and not withdrawn or waived, and the defendant has the right of appeal. [or]
- ☐ is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal. [or]
- ☐ is a plea-bargain case, and the defendant has NO right of appeal. [or]
- ☐ the defendant has waived the right of appeal.

Belinda Hill
Judge

8/14/2017
Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a pro se petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals's judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the court of appeals. TEX. R. APP. P. 68.2 I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

[Signature]
Defendant

[Signature]
Defendant's Counsel

FILED

Mailing Address: Chris Daniel
District Clerk

Telephone number: AUG 14 2017

Fax number (if any): Time: _____
Harris County, Texas

By _____
Deputy

State Bar of Texas ID number: 24091284

Mailing Address: 1201 Franklin, Suite 1300

Telephone number: 713-368-006 Harris 7702

Fax number (if any): _____

* "A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case-that is, a case in which a defendant's plea was guilty or *nolo contendere* and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant - a defendant may appeal only: (A) those matters that were raised by a written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." TEXAS RULES OF APPELLATE PROCEDURE 25.2(a)(2).

APPEAL CARD

10-13-17

Court 228th

Cause No. 1555099

The State of Texas

Vs

Nelson Garcia Diaz

8-14-17

Date Notice
Of Appeal: 8/14/2017

Presentation: Vol. _____ Pg. _____

Judgment: Vol. _____ Pg. _____

Judge Presiding Belinda Hill

Court Reporter Lindsay Arredondo

Court Reporter _____

Court Reporter _____

Attorney
on Trial Nicholas Hughes, Danilo Lacayo

Attorney
on Appeal TBD

Appointed X Hired _____

Offense Drug Hab with Agg Assault

Jury Trial Yes X No _____

Punishment
Assessed 32 years TDC

Companion Cases
(If Known) 1403410, 1417487

Amount of
Appeal Bond X

Appellant
Confined: Yes X No _____

Date Submitted
To Appeal Section 8/14/2017 22/997

Deputy Clerk [Signature]